

Message Text

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ACTION EUR-12

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 8552

INFO CINCEUR VAIHINGEN

CINCUSAREUR HEIDELBERG

CINCUSAFE LINDSEY

C O N F I D E N T I A L BONN 03876

CINCEUR ALSO FOR POLAD

CINCUSAREUR ALSO FOR POLAD

CINCUSAFE ALSO FOR POLAD

EUR/CE AND L/PM

E.O. 11652: GDS

TAGS: MARR GW,

SUBJECT: ARTICLE II NATO SOFA AND DEMONSTRATIONS IN
THE FRG BY TROOPS OF NATO SENDING STATES

REF: BONN A-95 OF MARCH 5, L975

1. AT MEETING FEBRUARY 18 AT FRG FOREIGN OFFICE OF
REPRESENTATIVES OF NATO SENDING STATES WITH REPRESENTA-
TIVES OF SEVERAL FRG MINISTRIES, FEDERAL GOVERNMENT
SPOKESMAN EXPRESSED CONCERN AT OFF-BASE DEMONSTRATIONS
CONCERNING INTERNAL GRIEVANCES DURING PAST YEAR BY
DUTCH AND FRENCH TROOPS STATIONED IN FRG. HE SUGGESTED
THAT NATO SENDING STATES AGREE TO INTERPRETATION OF
"POLITICAL ACTIVITIES" PROHIBITED BY ARTICLE II OF
NATO SOFA TO ENCOMPASS ALL DEMONSTRATIONS BY STATIONED
TROOPS. SENDING STATES REPRESENTATIVES SIGNALLED
RELUCTANCE TO ENGAGE IN PROBABLY FUTILE ATTEMPT TO
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AGREE ON SUCH INTERPRETATION OF ARTICLE II, INDICATING

THEY WOULD SEEK INSTRUCTIONS. FRG FOREIGN OFFICE REPRESENTATIVE MADE FAIRLY STRONG PITCH FOR SENDING STATES AGREEMENT TO FRG-PROPOSED INTERPRETATION AS BEST MEANS OF ASSURING THAT NO FURTHER DEMONSTRATIONS BY STATIONED TROOPS OCCUR IN FRG. EMBASSY'S REFERENCED AIRGRAM SETS OUT IN CONSIDERABLE DETAIL FRG CONCERN AND VIEWS ON THIS MATTER AND SUGGESTS POSITION TO BE TAKEN BY EMBASSY REPRESENTATIVES, AT FIRST WITH OTHER SENDING STATES IN EFFORTS TO COORDINATE COMMON SENDING STATES POSITION, AND SUBSEQUENTLY AT FURTHER MEETING WITH FEDERAL GOVERNMENT REPRESENTATIVE EXPECTED TO BE SCHEDULED IN MAY 1975.

2. USAREUR JAG HAS DRAWN EMBASSY'S ATTENTION TO RELEVANT DECISION OF U.S. DISTRICT COURT (D.C.) JUDGE JOHN H. PRATT ON FEBRUARY 13, 1975 IN CULVER V. SECRETARY OF THE AIR FORCE (CIVIL ACTION NO. 1102-73) INTER ALIA UPHOLDING PLAINTIFF'S CONVICTION BY GENERAL COURT MARTIAL OF VIOLATING LAWFUL GENERAL REGULATION PROHIBITING AF MEMBERS FROM PARTICIPATING IN DEMONSTRATIONS WHEN IN A FOREIGN COUNTRY, AND FINDING THAT THIS REGULATION DID NOT UNCONSTITUTIONALLY RESTRICT CULVER'S FREEDOM OF SPEECH UNDER FIRST AMENDMENT AND WAS REASONABLE, NECESSARY AND APPROPRIATE TO MAINTAINANCE OF MILITARY MORALE AND DISCIPLINE.

3. EMBASSY WOULD APPRECIATE COORDINATED STATE/DOD EXAMINATION OF QUESTIONS RAISED BY FRG AND INSTRUCTIONS PERMITTING EARLY EMBASSY COORDINATION WITH REPRESENTATIVES OF OTHER SENDING STATES ON HOPEFULLY COMMON POSITION TO BE TAKEN VIS-A-VIS FEDERAL GOVERNMENT.
HILLENBRAND

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